

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE CELEBRITY SOURCE LLC,
A NEW JERSEY LIMITED LIABILITY COMPANY

Plaintiff,

vs.

DAVID JOHNSON AND

STRATEGIC VISION LLC DBA STRATEGIC
VISION PR GROUP,


A GEORGIA LIMITED LIABILITY COMPANY

Defendants.

Application **GRANTED**. The initial conference is **ADJOURNED** from January 11, 2023 to **January 25, 2023**, at **4:10 P.M.** The conference will be telephonic and will take place on the following line: 888-363-4749, access code 558-3333. The parties shall submit the joint letter and proposed case management plan, as described in the order issued November 16, 2022, by **January 18, 2023**. So Ordered.

Dated: January 9, 2023

New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Case No.: 1:22-cv-09440-LGS

Plaintiff's Answer to Order Dated 5 January 2023
and Request for an Adjournment of the Initial
Conference

The Celebrity Source LLC ("Celebrity Source") by and through its attorney Jabari-Jason Tyson-Phipps and the Law Firm Pierce and Kwok LLP is filing this response to the Order dated 5 January 2023 at 1731 from the Honorable Judge Lorna G. Schofield requiring us to provide information about the status of service on the Defendants, Strategic Vision LLC ("Strategic Vision") and David JOHNSON ("JOHNSON") (collectively the "Defendants") and we are requesting an adjournment of the initial conference in contemplation of settlement discussions

Executive Summary

Substitute service was attempted multiple times on both Defendants at addresses found through public records searches and those listed with the Georgia Secretary of State. JOHNSON is listed as the registered agent of Strategic Vision and as such proper documentation for him personally was included with the substitute service documents for Strategic Vision. After multiple failed attempts at serving substitute service and other attempts to reach out to the Defendants, service was executed upon the Georgia Secretary of State in accordance with Georgia law. Ultimately, I was contacted by Attorney Michael J. Puglise ("Puglise") who represented that he represents JOHNSON and Strategic Vision and who has in prior communications and interactions represented the Defendants. Puglise and I have been in talks regarding a settlement agreement which is to be offered soon to the Defendants in the hope of closing this matter.

Details Regarding Efforts at Service and Status of the Case

Georgia statute, GA Code § 9-11-4 (2020) and GA Code § 14-2-504 (2020) govern service of process in Georgia; GA Code § 14-11-209 (2020) allows for service on process of the Secretary of State if service cannot be executed at the listed registered address of an LLC; and Georgia law requires an LLC to accept substituted service.

On or about 4 November 2022, I sent substitute service to the Defendant Strategic Vision LLC to the address listed for their registered agent JOHNSON on the Georgia Secretary of State website 2727 Paces

Ferry Rd SE, Building 1 Suite 750, Atlanta, GA, 30339, USA, as well as to Johnson at what is believed to be his home address via USPS Priority Mail USPS (tracking numbers 9505 5132 2331 2308 2973 56 and 9505 5132 2331 2308 2973 63). Approximately at the same time, these documents were sent to the Defendant and his attorney via email as well.

Shortly after on or about 10 November 2022, this substitute service was returned, and it was indicated on the envelope that the company was not located at that address and there was no forwarding address. Upon reviewing the Georgia Secretary of State records, it indicated that at approximately the same time, JOHNSON changed his registered address to 2040 Ed King Rd, Blairsville, GA, 30512, USA. Assuming this was done in good faith, I resent the substitute service to the new address on November 16, 2022, via USPS Priority Mail (tracking number 9505 5132 2334 2320 5228 15). The tracking indicated that it was returned on November 28, 2022, at 1:03 pm as it was not accepted at the 2040 Ed King Rd, Blairsville, GA, 30512, USA address which at that time was still listed as the registered address for Strategic Vision on the Georgia Secretary of State's Corporations Division website.

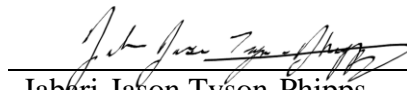
In accordance with O.C.G.A. 14-11-209(f), on or about 5 December 2022 I filed an affidavit and served the documents on the Secretary of State of Georgia which were accepted, and a certification of service was provided on 14 December 2022. On 19 December 2022, I received an email from Attorney Puglise stating he would encourage his client to accept the substitute service if we granted him additional time, which I did, and he asked for a phone conference to attempt to settle this matter. Attorney Puglise and I have spoken on several occasions over the holidays, and I believe we are close to settling on terms. I spoke with him this evening after receiving the order via email and phone and he confirmed that he would like to work toward a negotiated settlement to this matter, but we have not discussed a case management plan.

Request For an Adjournment of the Initial Conference

As such, I am requesting an adjournment of the Initial Conference in the hope that Attorney Puglise and I can come to a negotiated settlement soon which would be amenable and in the best interest of both of our clients and judicial efficiency.

Dated: This 5th day of January 2023.
New Rochelle, New York

Respectfully submitted,



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cc Attorney Michael J. Puglise (mpuglise@pugliselawfirm.com); File